

Stacy Shifflett
1/12/2021

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA
3
4 (1) PATRICIA THOMPSON, as)
5 Personal Representative of the))
6 Estate of MARCONIA LYNN)
7 KESSEE,)
8)
9 Plaintiff,)
10)
11 -vs-)
12)
13 (1) NORMAN REGIONAL HOSPITAL)
14 AUTHORITY d/b/a NORMAN)
15 REGIONAL HOSPITAL, a public)
16 trust, et al.,)
17)
18)
19 Defendants.)
20
21
22
23
24
25

* * * * *

VIDEOCONFERENCE DEPOSITION OF STACY SHIFFLETT
TAKEN ON BEHALF OF THE PLAINTIFF
IN OKLAHOMA CITY, OKLAHOMA
ON JANUARY 12, 2021
COMMENCING AT 9:13 A.M.

* * * * *

INSTASCRIP, L.L.C.
125 PARK AVENUE, SUITE LL
OKLAHOMA CITY, OKLAHOMA 73102
405.605.6880
schedule@instascript.net

REPORTED VIA ZOOM BY: BETH A. MCGINLEY, CSR, RPR

Stacy Shifflett
1/12/2021

Page 136

1 not an individual, based on your observations at the
2 time -- we can see your observations at the time -- it's
3 not an individual that you thought was completely
4 normal, did you?

5 MS. DARK: Object to the form.

6 MS. THOMPSON: Object to the form.

7 A Well, at the time, I thought he was under the
8 influence of alcohol, and that was a very -- I mean, you
9 see a lot of people come into the jail that act like
10 that.

11 Q (By Mr. Hammons) Okay. So you're not of the
12 opinion, like Officer Brown, that he could just get out
13 in a car and drive off?

14 MS. GOOCH: Object to the form.

15 A I -- I'm not sure. I don't -- I didn't
16 ever -- I don't know. But I thought he was under the
17 influence of alcohol, that's all I know. I don't
18 know --

19 Q (By Mr. Hammons) Right. So you wouldn't
20 recommend him getting in a car and driving, under the
21 influence of alcohol; true?

22 A I can't recommend that. But --

23 Q Well, yeah, no one would recommend that,
24 right?

25 A Yeah, I mean, I wouldn't -- I wouldn't say

Stacy Shifflett
1/12/2021

Page 170

1 would use ammonium capsules?

2 MS. DARK: Object to the form.

3 A I am not. I remember just seeing it out and
4 him popping it. That's all I really remember.

5 Q (By Mr. Hammons) Did -- did Rickert frequently
6 just carry around ammonium capsules and stick them in
7 inmates' faces?

8 MS. THOMPSON: Object to form.

9 A No, but medical did carry ammonium strips with
10 them.

11 Q (By Mr. Hammons) Okay. And it was -- that was
12 frequently used on inmates, on a regular basis?

13 MS. DARK: Object to the form.

14 A From what I remember, yes, if they were
15 having -- I -- I think it was mainly used for, like,
16 seizures and stuff like that. That's what brings you
17 out -- well, I know it is, I've had a couple of
18 seizures -- but that's -- that's what it was mainly used
19 for around the jail.

20 Q (By Mr. Hammons) Okay. Do -- do you know if
21 Marconia was actually having a seizure or not?

22 A I --

23 MS. THOMPSON: Object to form.

24 A I don't know. I didn't know.

25 Q (By Mr. Hammons) No one -- no one told you

Stacy Shifflett
1/12/2021

Page 172

1 A I'm not sure.

2 Q Well, do you -- do you recall, based on seeing
3 it -- we'll watch it in a minute. Do you recall seeing
4 that on there, that the ammonium came after the head
5 banging?

6 A No, I thought it came -- or it came after the
7 head banging.

8 Q Right.

9 A Oh, yeah.

10 Q Right. So what I'm trying to get -- make sure
11 that I understand is, is that Rickert didn't pull out an
12 ammonium capsule, stick it in front of Marconia, and
13 then he banged his head --

14 A Yeah, correct, that didn't happen.

15 Q -- right?

16 A Correct.

17 Q Right. Now, Barr told the OSBI he -- he felt
18 Marconia was just faking all this stuff. Did you feel
19 that way, too?

20 MS. DARK: Object to the form.

21 A Coming from somebody that's had three
22 seizures, I thought he was faking a seizure, because
23 when he -- when we put him on the floor, he started to
24 shake, and then he pulled away after the ammonia --
25 whatever you call it.

Stacy Shifflett
1/12/2021

Page 173

1 Q (By Mr. Hammons) Uh-huh.

2 A You know, me, when I have my seizures, it's a
3 full-on -- like, I think the shortest seizure that I can
4 remember is -- you're down for, like, 10 or 15 seconds
5 and then you wake up.

6 Q Uh-huh.

7 A So I -- I believed he was -- was faking a
8 seizure, and that is common -- a common thing within the
9 jail. People come in and they know that, you know, if
10 they fake a seizure, they could -- could possibly be
11 sent back to the hospital.

12 Q Okay. But when they fake seizures, are they
13 sent back to the hospital?

14 A It's up to medical. It just depends, case by
15 case.

16 Q It says, "Then after he bang- -- began banging
17 his head, Barr told the OSBI he, Shifflett and Rickert
18 picked up Marconia off the bench and set him on the
19 ground." That's not true, is it?

20 MS. DARK: Object to the form.

21 A No, I'm pretty sure we just -- or -- I don't
22 remember, because I was on his feet. I don't know if we
23 picked him up or if he just kind of slid down or...

24 Q (By Mr. Hammons) Yeah, he just went off into
25 the floor. I don't think you even touched him when

Stacy Shifflett
1/12/2021

Page 179

1 onto the ground?

2 MS. DARK: Object to the form.

3 A I think he slid. I don't think he fell.

4 Q (By Mr. Hammons) Well, you didn't -- certainly
5 didn't pick him up and set him down; true?

6 A Correct.

7 Q It says, "Kessee refused to walk." Do you
8 think he was refusing to walk or he just couldn't?

9 A I still thought he was under the al- --
10 influence of alcohol, and that he was refusing to walk.
11 That's what I believe.

12 Q Okay. And that was based on what questions
13 that you heard?

14 A Just the --

15 MS. DARK: Object to --

16 A -- way he was --

17 MS. DARK: Sorry. Object to the form.

18 A -- stuttering and talking and wouldn't walk,
19 slurring his words and stuff. That's what I believed.

20 Q (By Mr. Hammons) And that's based off of what
21 type of training?

22 A No training, but going down through Campus
23 Corner, you can watch people do it nightly.

24 Q So it's obvious, with no training, that
25 Marconia Kessee was impaired?

Stacy Shifflett
1/12/2021

Page 203

1 MS. THOMPSON: Object to form.

2 A We were listening, but all I heard was
3 muttering. That's what I heard.

4 Q (By Mr. Hammons) Do you believe that you gave
5 the benefit of the doubt to Marconia Kessee when he was
6 in that room?

7 MS. DARK: Object to the form.

8 A Yes. I did, yeah.

9 Q (By Mr. Hammons) That something was majorly
10 wrong with him?

11 A Not majorly wrong with him, but that he was
12 under the influence of alcohol.

13 Q And is what you're -- what we're looking at --

14 MR. HAMMONS: I'm on -- I'm at 37:59, fixing
15 to push play.

16 Q (By Mr. Hammons) What we're -- what you've
17 seen, so far, is consistent with somebody under the
18 influence of alcohol?

19 A Yes. Won't sit up straight, stumbling, won't
20 walk, stumbling over words.

21 Q Sweating profusely?

22 A Yeah, I mean -- yeah, everyone sweats. He had
23 a jacket on.

24 Q Do you recall how cold it was that night?

25 A I do not.

Stacy Shifflett
1/12/2021

Page 264

1 Regional. You don't know him; true?

2 A True.

3 Q Do you know Justin Holbrook?

4 A No.

5 Q He's a nurse practitioner at Norman Regional
6 at the time that Marconia was there. You don't know
7 him?

8 A I do not.

9 Q Emergency Services of Oklahoma, are you
10 familiar with that organization?

11 A I am not.

12 Q Okay. Now, any observations that you made of
13 Marconia potentially being on -- under the influence of
14 alcohol, are based on your own observations and
15 interactions at the jail, correct?

16 A Correct.

17 Q And what I'm getting at is: You really had no
18 knowledge, at the point that we're watching these
19 videos, on January 16, 2018, of any medical
20 determinations from the hospital; true?

21 A Correct.

22 Q You, on this particular occasion, didn't even
23 see the fit slip that potentially came from Norman
24 Regional; true?

25 A Correct, I did not see it.

Stacy Shifflett
1/12/2021

Page 273

1 Q Once? I was unclear, so thank you for that.

2 And when you did check on him, did he appear,
3 to you, that he was in need of medi- -- immediate
4 medical assistance, at that time?

5 MR. HAMMONS: Object to the form.

6 A No. When I looked at him, we had, you know,
7 put him in there 20 minutes prior, so I thought he was
8 just sleeping.

9 Q (By Ms. Thompson) During Marconia Kessee's
10 presence at the jail, did you have any meal times for
11 inmates at that time?

12 A No, we did not.

13 Q So Marconia was not due to be served a meal
14 during the time he was there, correct?

15 A Correct.

16 Q Did he make any requests to the officers while
17 he was in the padded cell?

18 A I'm not sure.

19 Q Would he have the ability to make requests to
20 the officers from inside the padded cell?

21 MS. DARK: Object to the form.

22 MR. HAMMONS: Object to the form.

23 A Yes, he would have.

24 Q (By Ms. Thompson) How would he do that?

25 A There's a button inside. A lot of inmates